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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,422	11/30/2001	Larry J. Winget	VEI 0376 PUS	5909

7590

01/25/2005

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,422

Applicant(s)

WINGET ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☒ Claim(s) 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hofmann et al (USPN 5744210). Hofmann et al teach the claimed article as evidenced at col 3, ln 41-col 4, ln 5; and figs 5 and 7-8.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann et al (USPN 5744210). The above teachings of Hofmann et al are incorporated hereinafter. Hofmann et al do not teach the thickness of the film sheet; the flexural modulus of the carrier; hardness of the carrier; a layer of polyvinylidene fluoride; the percent thickness of the PVF layer; an acrylic clear coat layer; and a layer of acrylic color. In regard to the thickness of the film sheet, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed article since it is not a manipulative feature of the claimed article. Further, the claimed thickness is well-known in the molding art. Thus, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to set the thickness of the film of Hofmann et al at the claimed setting in order to form a high quality article. In regard to the flexural modulus and hardness of the carrier, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed article since it is not a manipulative feature of the claimed article. Further, the claimed flexural modulus and hardness are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to set the flexural modulus and hardness of the article of Hofmann et al at the claimed settings in order to form an article having high quality. In regard to a layer of polyvinylidene fluoride, such is well-known in the molding art in order to provide protection. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a layer of PVF to the film sheet of Hofmann et al in order to enhance the strength of the film sheet. In regard to the percent thickness of the PVF layer, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed product since it is not a manipulative feature of the claimed product. Further, the claimed thickness is generally well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a PVF having the claimed thickness in the film sheet of Hofmann et al in order to enhance the strength of the article. In regard to an acrylic clear coat layer, such is well-known in the molding art in order to provide protection. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an acrylic clear

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coat layer to the film sheet of Hofmann et al in order to enhance the strength of the film sheet. In regard to a layer of acrylic color, such is well-known in the molding art in order to provide protection. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an acrylic color layer to the film sheet of Hofmann et al in order to enhance the strength and aesthetic of the film sheet.

5. Claim 31 would be allowed.

6. Applicant's arguments with respect to claims 22-30 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is

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571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY
FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL


1/24/05